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Attorneys for Plaintiff  
10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ROBERT RUNDO, et al.,

17 Defendants.  
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No. CR 18-759-CJC

STIPULATION REGARDING REQUEST FOR  
(1) CONTINUANCE OF TRIAL DATE AND  
(2) FINDINGS OF EXCLUDABLE TIME  
PERIODS PURSUANT TO SPEEDY TRIAL  
ACT

**CURRENT TRIAL DATE:**

December 12, 2023

**PROPOSED TRIAL DATE:**

March 26, 2024

21 Plaintiff United States of America, by and through its counsel  
22 of record, the United States Attorney for the Central District of  
23 California and Assistant United States Attorneys Solomon Kim and  
24 Kathrynne Seiden, and defendant ROBERT RUNDO ("RUNDO"), both  
25 individually and by and through his counsel of record, Deputy Federal  
26 Public Defenders Julia Deixler and Erin Murphy, defendant ROBERT  
27 BOMAN ("BOMAN"), both individually and by and through his counsel of  
28 record, Peter Swarth, and defendant TYLER LAUBE ("LAUBE"), both

1 individually and by and through his counsel of record, John  
2 McNicholas, hereby stipulate as follows:

3 1. The Indictment in this case was filed on November 1, 2018.  
4 Defendant RUNDO first appeared before a judicial officer of the court  
5 in which the charges in this case were pending on October 22, 2018.  
6 Defendant BOMAN first appeared before a judicial officer of the court  
7 in which the charges in this case were pending on October 24, 2018.  
8 Defendant LAUBE first appeared before a judicial officer of the court  
9 in which the charges in this case were pending on October 24, 2018.  
10 Defendant Aaron Eason first appeared before a judicial officer of the  
11 court in which the charges in this case were pending on October 29,  
12 2018.

13 2. In April 2019, defendants RUNDO, BOMAN, and Eason moved to  
14 dismiss the Indictment. In June 2019, defendant LAUBE likewise moved  
15 to dismiss the Indictment. The Court subsequently granted both  
16 motions and dismissed the Indictment.

17 3. The government timely appealed the Court's dismissal order,  
18 and, on March 4, 2021, the Ninth Circuit reversed the Court's order  
19 and remanded for further proceedings. The mandate issued on February  
20 8, 2022. The Court held a status conference on March 3, 2022, where  
21 it ordered the parties to file a stipulation to continue the trial  
22 and a proposed case management order. Following remand from the  
23 Ninth Circuit, the Speedy Trial Act, 18 U.S.C. § 3161, required that  
24 the trial commence on or before April 19, 2023. See 18 U.S.C. §  
25 3161(e); United States v. Lloyd, 125 F.3d 1263, 1265 (9th Cir. 1997).

26 4. On March 29, 2022, the Court set a trial date of April 11,  
27 2023, and a pretrial conference date of April 3, 2023. On December  
28

1 8, 2022, the Court advanced the trial date and pretrial conference  
2 date to March 28, 2023, and March 20, 2023, respectively.

3 5. Defendant RUNDO is detained pending trial. Defendants  
4 BOMAN and LAUBE are released on bond pending trial. On January 30,  
5 2023, this Court granted the government's motion to dismiss the case  
6 as to defendant Aaron Eason only, due to his death.

7 6. The parties estimate that the trial in this matter will  
8 last approximately two weeks. All defendants are joined for trial  
9 and a severance has not been granted.

10 7. By this stipulation, defendants move to continue the trial  
11 date to March 26, 2024 and the pretrial conference to March 18, 2024,  
12 and to set a motion schedule as follows:

13 a. Dispositive motions (including any motion to dismiss  
14 or motion to suppress): motions to be filed by January 8, 2024;  
15 oppositions to be filed by January 29, 2024; replies to be filed by  
16 February 5, 2024; and any motions hearing on February 26, 2024.

17 b. Non-dispositive motions (including any motion in  
18 limine): motions to be filed by February 26, 2024; oppositions to be  
19 filed by March 4, 2024; replies to be filed by March 11, 2024; and  
20 any motions hearing on March 18, 2024.

21 8. This is the third request for a continuance since the Ninth  
22 Circuit's mandate.

23 9. Defendants request the continuance based upon the following  
24 facts, which the parties believe demonstrate good cause to support  
25 the appropriate findings under the Speedy Trial Act:

26 a. The defendants in this case are charged with  
27 violations of 18 U.S.C. §§ 371 (Conspiracy) and/or 2101 (Riots). The  
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1 government has made available to the defense approximately 65,000  
2 pages of discovery.

3           b. Defense counsel for defendant RUNDO are presently  
4 scheduled for the following trials: (1) United States v. Mark James  
5 Urias, CR 22-123-ODW, Bank Fraud, Possession of Fifteen or More  
6 Unauthorized Access Devices, Aggravated Identity Theft, Unlawful  
7 Possession of a Counterfeit Postal Key, Possession, trial scheduled  
8 for September 26, 2023, expected to last two to three days; (2)  
9 United States v. Stephen Reid, CR 23-391-JAK, Distribution and  
10 Possession with Intent to Distribute Fentanyl and Methamphetamine,  
11 trial scheduled for October 3, 2023; (3) United States v. Gustavo  
12 Delacruz, CR 23-396-MEMF, Hobbs Act Robbery, trial scheduled for  
13 October 3, 2023, expected to last three to four days; (4) United  
14 States v. James Ray Freeman, CR 22-594-MEMF, Possession with Intent  
15 to Distribute Cocaine Base in the Form of Crack Cocaine, Felon in  
16 Possession of Firearms and Ammunition, trial scheduled for October  
17 16, 2023, expected to last three days; (5) United States v. Jerry  
18 Nehl Boylan, 20-CR-600-GW, a Seaman's Manslaughter trial scheduled  
19 for October 24, 2023; (6) United States v. Lisa Marie Valdez, CR 22-  
20 373-MEMF, Distribution of and Possession with Intent to Distribute  
21 Methamphetamine, trial scheduled for November 13, 2023, expected to  
22 last three days; and (7) United States v. Rudy Flores Jr., 22-CR-451-  
23 MEMF, a firearm and possession of methamphetamine with intent to  
24 distribute trial scheduled for January 12, 2024. Accordingly,  
25 counsel for defendant RUNDO represent that they will not have the  
26 time that they believe is necessary to prepare to try this case on or  
27 before March 26, 202.

1           c. Defense counsel for defendant BOMAN is presently  
2 scheduled to be in the following trials: (1) United States v.  
3 Tumambing, CR-19-375-ODW-2 (Kelli Tumambing), bank fraud trial  
4 scheduled for 10/10/23, which is estimated last three days; (2) United  
5 States v. Boubash, CR-22-513-JWH-4 (Reyes Ramon Lozano), drug trial  
6 scheduled for 10/24/23, which is estimated to last two weeks; (3)  
7 United States v. Rigoberto Moreno-Machuca, CR-21-520-ODW-1, drug  
8 trial scheduled for 10/31/23, which is estimated to last two days; (4)  
9 United States v. Gipson, CR-20-75-JAK-6 (Laron Taylor), wire fraud  
10 trial scheduled for 1/23/24, which is estimated to last two weeks; (5)  
11 United States v Martinez, CR-22-34-CJC-20 (Robert Amezcua), gangs and  
12 drug trial scheduled for 01/23/24, which is estimated to last ninety  
13 days; (6) United States v Garcia, 20-cr-225-DSF-2 (Alejandro Munoz),  
14 wire fraud and ID theft trial scheduled on 2/27/24, which is estimated  
15 to last 2 weeks; (7) United States v Gohman, CR-21-259-AB-5 (Vladimir  
16 Pridacha), trial conspiracy/Arms Export Control Act trial scheduled for  
17 03/12/24, which is estimated to last 2 weeks; and (8) United States  
18 v. Bazan, CR-20-19-CJC-23 (Carlton Young), drug trial scheduled on  
19 7/23/24, which is estimated to last two weeks. Accordingly, counsel  
20 for defendant BOMAN represents that he will not have the time that he  
21 believes is necessary to prepare to try this case on or before March  
22 26, 2024.

23           d. Defense counsel for defendant LAUBE is presently  
24 scheduled to be in the following trials or other matters: (1) United  
25 States v. Elijah Miller, 2:23-cr-00396-MEMF, 3-defendant robbery  
26 case, commencing October 3, 2023, and expected to last 7 days; (2)  
27 United States v. Raschell Taylor, CR 20-00075-JAK, a 7 defendant wire  
28 fraud, aggravated identity theft trial set for trial on November 14,

1 2023, and expected to last 12 days; (3) United States v. Jing Dong,  
2 CR 19-00027-PSG, a 3-defendant birth tourism case involving Chinese  
3 mothers set for February 15, 2024 and expected to last 20 days; (4)  
4 United States v. Edwin Martinez, CR 19-117(A)-ODW, multi-defendant  
5 capital case, set for March 26, 2024 and expected to last several  
6 months; and (5) United States v. Nagesh Shetty, CR 19-00527-ODW, a 7-  
7 defendant, physician Medicare fraud case set for August 13, 2024 and  
8 expected to last 18 days. Accordingly, counsel for defendant LAUBE  
9 represents that he will not have the time that he believes is  
10 necessary to prepare to try this case on or before March 26, 2024.

11 e. In light of the foregoing, counsel for defendants also  
12 represent that additional time is necessary to confer with  
13 defendants, conduct and complete an independent investigation of the  
14 case, conduct and complete additional legal research including for  
15 potential pre-trial motions, review the discovery and potential  
16 evidence in the case, and prepare for trial in the event that a  
17 pretrial resolution does not occur. Defense counsel represent that  
18 failure to grant the continuance would deny them reasonable time  
19 necessary for effective preparation, taking into account the exercise  
20 of due diligence.

21 f. Defendants believe that failure to grant the  
22 continuance will deny them continuity of counsel and adequate  
23 representation.

24 g. The government does not object to the continuance.

25 h. The requested continuance is not based on congestion  
26 of the Court's calendar, lack of diligent preparation on the part of  
27 the attorney for the government or the defense, or failure on the  
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1 part of the attorneys for the Government to obtain available  
2 witnesses.

3 10. For purposes of computing the date under the Speedy Trial  
4 Act by which defendants' trial must commence, the parties agree that  
5 the time period of December 12, 2023 to March 26, 2024, inclusive,  
6 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
7 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a  
8 continuance granted by the Court at defendants' request, without  
9 government objection, on the basis of the Court's finding that: (i)  
10 the ends of justice served by the continuance outweigh the best  
11 interest of the public and defendants in a speedy trial; (ii) failure  
12 to grant the continuance would be likely to make a continuation of  
13 the proceeding impossible, or result in a miscarriage of justice; and  
14 (iii) failure to grant the continuance would unreasonably deny  
15 defendants continuity of counsel and would deny defense counsel the  
16 reasonable time necessary for effective preparation, taking into  
17 account the exercise of due diligence.

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1           11. Nothing in this stipulation shall preclude a finding that  
2 other provisions of the Speedy Trial Act dictate that additional time  
3 periods be excluded from the period within which trial must commence.  
4 Moreover, the same provisions and/or other provisions of the Speedy  
5 Trial Act may in the future authorize the exclusion of additional  
6 time periods from the period within which trial must commence.

7           IT IS SO STIPULATED.

8           Dated: September 25, 2023

Respectfully submitted,


9                           E. MARTIN ESTRADA  
10                          United States Attorney

11                          CAMERON L. SCHROEDER  
12                          Assistant United States Attorney  
13                          Chief, Criminal Division

14                          /s/  
15                          \_\_\_\_\_  
16                          SOLOMON KIM  
17                          KATHRYNNE N. SEIDEN  
18                          Assistant United States Attorney

19                          Attorneys for Plaintiff  
20                          UNITED STATES OF AMERICA  
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1 I am ROBERT RUNDO's attorney. I have carefully discussed every  
2 part of this stipulation and the continuance of the trial date with  
3 my client. I have fully informed my client of his Speedy Trial  
4 rights. To my knowledge, my client understands those rights and  
5 agrees to waive them. I believe that my client's decision to give up  
6 the right to be brought to trial earlier than March 26, 2024 is an  
7 informed and voluntary one.

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9 JULIA DEIXLER  
ERIN MURPHY  
10 Deputy Federal Public Defenders  
Attorneys for Defendant  
11 ROBERT RUNDO

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Date 9/21/23

13 I have read this stipulation and have carefully discussed it  
14 with my attorney. I understand my Speedy Trial rights. I  
15 voluntarily agree to the continuance of the trial date, and give up  
16 my right to be brought to trial earlier than March 26, 2024.

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18 ROBERT RUNDO  
19 Defendant

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Date 9-21-23

1 I am ROBERT BOMAN's attorney. I have carefully discussed every  
2 part of this stipulation and the continuance of the trial date with  
3 my client. I have fully informed my client of his Speedy Trial  
4 rights. To my knowledge, my client understands those rights and  
5 agrees to waive them. I believe that my client's decision to give up  
6 the right to be brought to trial earlier than March 26, 2024 is an  
7 informed and voluntary one.

8 Peter Swarth

09/22/2023

9 PETER SWARTH  
10 Attorney for Defendant  
ROBERT BOMAN

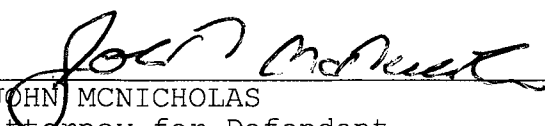
Date

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13 with my attorney. I understand my Speedy Trial rights. I  
14 voluntarily agree to the continuance of the trial date, and give up  
15 my right to be brought to trial earlier than March 26, 2024.

16 Robert Boman  
17 ROBERT BOMAN  
18 Defendant

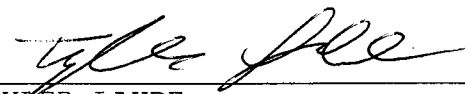
9-22-23  
Date

1 I am TYLER LAUBE's attorney. I have carefully discussed every  
2 part of this stipulation and the continuance of the trial date with  
3 my client. I have fully informed my client of his Speedy Trial  
4 rights. To my knowledge, my client understands those rights and  
5 agrees to waive them. I believe that my client's decision to give up  
6 the right to be brought to trial earlier than March 26, 2024 is an  
7 informed and voluntary one.

8   
9 JOHN MCNICHOLAS  
10 Attorney for Defendant  
TYLER LAUBE

9/25/23  
Date

11  
12 I have read this stipulation and have carefully discussed it  
13 with my attorney. I understand my Speedy Trial rights. I  
14 voluntarily agree to the continuance of the trial date, and give up  
15 my right to be brought to trial earlier than March 26, 2024.

16   
17 TYLER LAUBE  
18 Defendant

9.25.23  
Date